

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Crl.MC.No. 174 of 2007()

CC.775/2002 of JUDL.MAGISTRATE OF FIRST CLASS-II, ALUVA
CRIME NO.291/01 OF KALAMASSERY POLICE STATION
.....

PETITIONER: ACCUSED:

S.A. PERUMAL RAJA,
S/O.IYYANAR RAJA, TRA-57, SUJUR NIVAS,
MUNDACKAL SOUTH, KOLLAM.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
(CRIME NO.291/2001 OF KALAMASSERY POLICE STATION).

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 174 OF 2007

Dated this the 23rd day of February, 2007

ORDER

The grievance of the petitioner is that in a prosecution under Sec.406 of the IPC filed as early as in 2002 (C.C.No.775/02), proceedings are not terminating and are dragging on endlessly. He points out that the informant/the de facto complainant has already been examined and he has not supported the prosecution case. Of course, no application for composition has admittedly been filed. The short prayer of the petitioner is that the learned Magistrate may be directed to expeditiously dispose of the case.

2. Report of the learned Magistrate was called for. The learned Magistrate points out that the aggrieved is a Company and there is nothing to show that the Company has settled the matter or compounded the offence. It is true that the informant has turned hostile to the prosecution. But the remaining witnesses have got to be examined in the circumstances. They are not available. The learned Magistrate reports that, at any rate, all attempts shall be made

CRL.M.C.NO. 174 OF 2007 -: 2 :-

to dispose of the case by 31/3/07. The learned counsel for the petitioner submits that if that undertaking will be abided by, the petitioner shall have no reason to complain.

3. In the result, this Crl.M.C. is dismissed accepting the submission of the learned Magistrate that every effort shall be made to dispose of the case by 31/3/2007. The petitioner is represented by counsel. The learned Magistrate need insist on his personal appearance only if absolutely necessary to make further progress in the matter.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge